

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Serial No.

251305/0028

Applicants: **Zhang, David Y.**

Group Art Unit: **Not Yet Assigned**

Application No.: **09/978,261**

Examiner: **Not Yet Known**

Filed: **October 15, 2001**

For: **NUCLEIC ACID AMPLIFICATION METHODS**

Date: **February 24, 2004**

**CERTIFICATE OF MAILING**  
**BY "FIRST CLASS MAIL" (37 C.F.R. § 1.8)**

Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

Sir:

I hereby certify that the following correspondence:

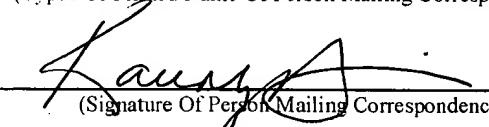
Return Postcard; Request to Correct Inventorship (2 pgs); Consent of Assignee to Correction of Inventorship (1 pg); Executed Assignment dated September 10, 2002 (2 pgs); Statement of Person Being Added as an Inventor (2 pgs); Combined Declaration and Power of Attorney for Patent Application (4 pgs)

is being deposited on February 24, 2004 with the United States Postal Service as first class mail in an envelope bearing sufficient postage thereon and addressed to:

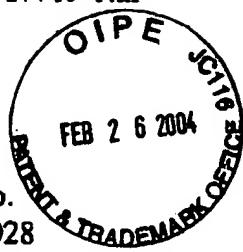
**Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450.**

**Karen Y. Hui**

(Typed Or Printed Name Of Person Mailing Correspondence)

  
(Signature Of Person Mailing Correspondence)

Docket No.  
251305/0028  
SBP:KYH



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: **Zhang, David Y.**

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Application No.: **09/978,261**

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Filed: **October 15, 2001**

For: **NUCLEIC ACID AMPLIFICATION METHODS**

**STATEMENT OF PERSON  
BEING ADDED AS AN INVENTOR  
(37 C.F.R. § 1.48(a))**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

I make this Statement in support of the accompanying Request to Correct Inventorship.

I am an inventor of the subject application, and the inventorship of this application should be corrected to add my name. This error in inventorship occurred without any deceptive intent.

I hereby declare under penalty of perjury under the laws of the United States of America that all statements made herein of our own knowledge are true and correct, and that all statements made on information and belief are believed to be true and correct, and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United



States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing therefrom.

Executed on:

Date: 1/26/2004

By: Wandi Zhang  
Wandi Zhang



**COMBINED DECLARATION AND POWER OF ATTORNEY  
FOR PATENT APPLICATION**  
(Page 1 )

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name:

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

the specification of which

is attached hereto

was filed on **October 15, 2001** as United States Patent Application No. or PCT International Application No. **09/978,261** and was amended on **October 22, 2002** (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR §1.56.

I hereby claim foreign priority benefits under 35 U.S.C. §119(a)-(d) or §365(b), of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application which designates at least one country other than the United States, listed below and have also identified below any foreign application for patent or inventor's certificate, or PCT international application having a filing date before that of the application on which priority is claimed:

<u>Country</u>	<u>Application No</u>	<u>Filed (Day/Mo./Yr.)</u>	Priority Claimed (Yes unless box is checked)
			<input type="checkbox"/>

**COMBINED DECLARATION AND POWER OF ATTORNEY  
FOR PATENT APPLICATION**  
(Page 2 )

I hereby claim the benefit under Title 35, United States Code, Section 119(e) of any United States provisional application(s) listed below

<u>Application No</u>	<u>Filed (Day/Mo./Yr.)</u>
-----------------------	----------------------------

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

<u>Application No.</u>	<u>Filed (Day/Mo./Yr.)</u>	<u>Status</u>
08/263,937	June 22, 1994	<u>(Patented, Pending, Abandoned)</u> Abandoned
PCT/US95/07671	June 14, 1995	
08/596,331	May 20, 1996	Abandoned See Page 3

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith (list name and registration numbers).

Lawrence Rosenthal, Reg. No. 24,377  
Steven B. Pokotilow, Reg. No. 26,405  
James J. DeCarlo, Reg. No. 36,120  
Matthew W. Siegal, Reg. No. 32,941  
David L. Schaeffer, Reg. No. 32,716  
Ian G. DiBernardo, Reg. No. 40,991

**COMBINED DECLARATION AND POWER OF ATTORNEY  
FOR PATENT APPLICATION**  
(Page 3 )

I hereby claim the benefit under Title 35, United States Code, Section 119(e) of any United States provisional application(s) listed below

<u>Application No</u>	<u>Filed (Day/Mo./Yr.)</u>	<u>Status</u>
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I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

<u>Application No.</u>	<u>Filed (Day/Mo./Yr.)</u>	<u>(Patented, Pending, Abandoned)</u>
08/690,494	July 31, 1996	Patented
08/909,031	August 11, 1997	Abandoned
09/299,217	April 23, 1999	Pending
09/728,265	December 1, 2000	Pending

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith (list name and registration numbers).

Lawrence Rosenthal, Reg. No. 24,377  
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Ian G. DiBernardo, Reg. No. 40,991

**COMBINED DECLARATION AND POWER OF ATTORNEY  
FOR PATENT APPLICATION**  
(Page 4 )

**Send Correspondence to:**

Stephen B. Pokotilow, Esq.  
**STROOCK & STROOCK & LAVAN LLP**  
180 Maiden Lane  
New York, New York 10038

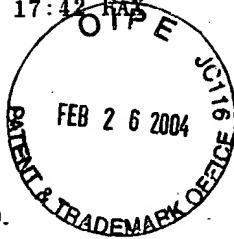
Direct Telephone Calls to: (name and telephone number)

**Stephen B. Pokotilow, Esq.**  
**(212) 806-5400**

Full Name of Sole or First Inventor: David Y. Zhang  
Inventor's signature:  Date: 1/15/04  
Citizen/Subject of: United States of America  
Residence: 80-73 Chevy Chase Street  
Jamaica, New York 11432 USA  
Post Office Address: Jamaica, New York

Full Name of Second Inventor, if any: Wandi Zhang  
Inventor's signature: Wandi Zhang Date: 1/26/2004  
Citizen/Subject of: Peoples Republic of China  
Residence: New York, County of New York, State of New York

**Post Office Address:** 52-58 East 97th Street, Apartment 30  
New York, New York 10029



Docket No.  
448563/0202

LR:DLS

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**Applicant: **Zhang, David Y.**Art Unit: **Not Yet Assigned**Application No.: **09/978,261**Examiner: **Not Yet Known**Filed: **October 15, 2001**For: **NUCLEIC ACID AMPLIFICATION METHODS**

**CONSENT OF ASSIGNEE  
TO CORRECTION OF INVENTORSHIP  
(37 C.F.R. § 1.48(a))**

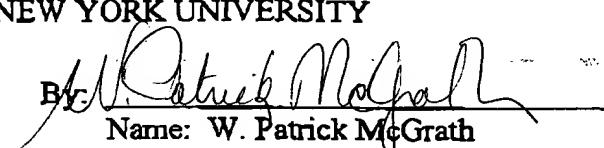
Commissioner for Patents  
Washington, D.C. 20231

Sir:

The undersigned, assignee of the above-identified patent application, hereby consents to the correction of the inventorship of this application through the addition of the Wandi Zhang as an inventor of the invention being claimed. A duly executed assignment has been filed and recorded with the PTO for the above-identified application on September 10, 2002, a copy of which is enclosed.

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

MOUNT SINAI SCHOOL OF MEDICINE OF NEW YORK UNIVERSITY

Date: 11/16/03

  
Name: W. Patrick McGrath

Title: Executive Director, Office of  
Industrial Liason, Mount Sinai School  
of Medicine of New York University

ocket No.  
51305/0028  
BP/MCD

## A S S I G N M E N T

WHEREAS, I, David Y. ZHANG, a citizen of the United States of America, residing at 80-73 Chevy Chase Street, Jamaica, New York, has invented certain new and useful improvements in NUCLEIC ACID AMPLIFICATION METHODS for which I have filed on October 15, 2001, United States Application Serial No. 09/978,261.

WHEREAS, MOUNT SINAI SCHOOL OF MEDICINE OF NEW YORK UNIVERSITY, a Corporation organized and existing under the laws of the State of New York and having a place of business at One Gustave L. Levy Place, New York, NY 10029-6574 hereinafter referred to as ASSIGNEE, is desirous of obtaining the entire right, title and interest in, to and under the improvements and the application;

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to me in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, I the ASSIGNOR, has sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the ASSIGNEE, its respective successors, legal representatives and assigns, the entire right, title and interest in, to and under the improvements, and the application and all divisions, renewals, continuations and continuations-in-part thereof, and all Letters Patent of the United States which may be granted thereon and all reissues and extensions thereof, and all applications for Letters Patent which may hereafter be filed for the improvements in any country or countries foreign to the United States, and all Letters Patent which may be granted for the improvements in any country or countries foreign to the United States and all extensions, renewals and reissues thereof; and I hereby authorize and request the Commissioner of Patents of the United States, and any Official of any country or countries foreign to the United States whose duty it is to issue patents on applications as aforesaid, to issue all Letters Patent for the improvements to the ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND I HEREBY covenant that I have full right to convey the entire interest herein assigned, and that I have not executed, and will not execute, any agreement in conflict herewith.

AND I HEREBY further covenant and agree that I will communicate to the ASSIGNEE, its successors, legal representatives and assigns, any facts known to me respecting the improvements, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid the ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper patent protection for the improvements in all countries.

IN TESTIMONY WHEREOF, I have set my hand and seal to this  
Assignment.

9/3/02, 2002

DAVID Y. ZHANG

WITNESSED:

By:

ESSIE M. SMITH  
NOTARY PUBLIC State of New York  
No. 03 4792626  
Qualified in Bronx County  
Commission Expires 2/28/03

Essie M. Smith

September 3, 2002



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Docket No.  
251305/0028

SBP:KYH

Patentee: **Zhang, David Y.**

Examiner: **Not Yet Assigned**

Application No: **09/978,261**

Art Unit: **Not Yet Known**

Filed: **October 15, 2001**

For: **NUCLEIC ACID AMPLIFICATION METHODS**

Date: **February 24, 2004**

**REQUEST TO CORRECT INVENTORSHIP**  
**(37 C.F.R. § 1.48(a))**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

Applicants respectfully request that the inventorship of the above-identified application be corrected by amending the application as follows:

**IN THE INVENTORSHIP:**

Please add Wandi Zhang as an inventor for the above-captioned application.

**REMARKS**

This Request to Correct Inventorship under 37 C.F.R. § 1.48(a) has been filed in order to correct the inventorship of the above-identified application, pursuant to the provisions of 37 C.F.R. § 1.48(a) and MPEP § 201.03.

It is respectfully requested to correct the inventorship entity of the above-captioned application by adding Wandi Zhang as an inventor.

Subsequent to the filing of this application it was determined that Wandi Zhang is an actual inventor of the invention as claimed in this application. Accordingly, this Request has been filed to add Wandi Zhang as an inventor of the invention being claimed.

03/02/2004 SSESHE1 00000035 194709 09978261

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As established by the accompanying Statement from the person being added as an inventor, this error in inventorship arose without deceptive intent.

Pursuant to 37 C.F.R. § 1.48(a), also submitted herewith are:

1. a statement from the individual being added as an inventor that the inventorship error occurred without any deceptive intention on their part (Statement of Person Being Added as An Inventor);
2. a declaration in accordance with 37 C.F.R. § 1.63 from each of the actual inventors; and
3. the written consent of the Assignee, this statement complying with the requirements of § 37 C.F.R. § 3.73(b) (Consent of Assignee to Correction of Inventorship).

The Commissioner is authorized to charge the \$ 130 processing fee under 37 C.F.R. § 1.17(i) for this Request as specified in 37 C.F.R. § 1.48(a), as well as any other fee which may now or hereafter be due, to deposit account no. 19-4709.

Early and favorable action is respectfully requested.

Respectfully submitted,

*Mary C. DiNunzio*  
MARY C. DiNunzio, Reg. No.  
for Steven B. Pokotilow  
Registration No. 26,405  
Attorney for Applicants  
Stroock & Stroock & Lavan LLP  
180 Maiden Lane  
New York, New York 10038  
(212) 806-5400

37,306